

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

BRUCE D. PLUMB,

Plaintiff,

v.

CIVIL NO. 04-72902
HON. LAWRENCE P. ZATKOFF

JOHN E. POTTER, Postmaster General,
United States Postal Service,

Defendant.

_____ /

OPINION AND ORDER

AT A SESSION of said Court, held in the United States Courthouse,
in the City of Port Huron, State of Michigan, on October 24, 2005

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

This matter is before the Court on Plaintiff's Motion to Amend Complaint filed on July 18, 2005. Defendant has responded to the Motion. The Court finds that the facts and legal arguments are adequately presented in the parties' papers and the decision process would not be significantly aided by oral argument. Therefore, pursuant to E.D. MICH. LR 7.1(e)(2), it is hereby ORDERED that the motion be resolved on the briefs submitted. For the reasons set forth below, Plaintiff's

Motion to Amend Complaint is DENIED.

II. DISCUSSION

Plaintiff seeks to amend his complaint to allege a count of breach of contract, a state law claim. Plaintiff's original complaint contained three other state law claims. On August 25, 2004, The Court entered an order dismissing those claims, holding that:

Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

The same reasoning applies to Plaintiff's new state law claim of breach of contract. Thus, Plaintiff may not amend his complaint to add the new claim.

III. CONCLUSION

For the above reasons, the Court HEREBY DENIES Plaintiff's Motion to Amend Complaint.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: October 24, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on October 24, 2005.

s/Marie E. Verlinde

Case Manager

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